

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

FEBRUARY 20, 2007

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:30 p.m. Closed Session, 6:30 p.m. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR BASS

PRESENT: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

ABSENT: NONE

MINUTES PREPARED BY:

COUNCIL APPROVAL ACKNOWLEDGED:

Kathleen L. Franco Simmons
City Clerk

Virginia Bass
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Public comment prior to closed session

ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: City-owned property located at 2186 Tydd Street,
APN's: 002-191-0202 and 002-191-013

Agency negotiator: David W. Tyson for the City of Eureka

Negotiating parties: Strombeck, Nilson, Pierson

Under negotiation: price, terms and conditions.

Pursuant to *California Government Code Section 54956.8*

C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: McFarlan Street Trail located at 2330 Hillside; APN 006-302-01

Agency negotiator: David Tyson for the City of Eureka

Negotiating parties: Robert and Melissa Grace

Under negotiation: price, terms, and conditions.

Pursuant to California Government Code Section 54956.8

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: property located on water side of Waterfront Drive adjacent to Marina Way;
APN 003-062-027.

Agency negotiator: David Tyson for the City of Eureka

Negotiating parties: Pierson, DeBeni and TKF & Associates

Under negotiation: price, terms, and conditions.

Pursuant to California Government Code Section 54956.8

Upon reconvening to Open Session, it was announced that there were no final actions to report.

Agenda Item Closed Session

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ITEM: Closed Session
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STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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CITY CLERK

Originating Dept.

Agenda Item Closed Session

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Invocation

ACTION:

The invocation was given by Reverend David Holmquist, Calvary Lutheran.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Mayor's announcements

ACTION:

Mayor Bass presented a proclamation for "*Spay Day USA*" February 27, 2007, received by Barbara Shultz.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item M/A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Council reports / City-related travel report

ACTION:

Councilmember Leonard made an announcement regarding the March 3rd "The Perilous Plunge" fundraiser for Children's Discovery Museum.

Councilmember Leonard provided a report regarding Eureka Skatepark construction.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item C/R

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Board/Commission reports

ACTION:

Keep Eureka Beautiful Committee presented an Award of Merit to Supervisor Jimmy Smith for his many activities and efforts keeping Eureka beautiful.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item B/C

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Public hearing - review map and conditions for the *Lundbar Hills Subdivision, Unit No. 6*; APN 301-031-039.

ACTION:

Senior Planner Sidnie Olson provided a report and revised recommendations for findings of fact, conditions of approval and mitigation measures. City Engineer Brent Siemer provided information regarding traffic issues. The public hearing was opened at 7:02 p.m. The following individuals addressed the Council regarding this matter:

Phil O'Hearn, land-surveyor with Kelly O'Hearn Associates representing the applicant, stated that they don't have any concerns and that they are in agreement with all of the conditions of approval with the exception of item 29 on page 15. The item refers to upgrading the golf course lift station. He stated that he believes this item was removed prior to the planning commission meeting and may be in the document in error. Senior Planner Olson confirmed that condition item 29, page 15 should have been eliminated.

Bruce Marshall, Lundbar Hills, stated that he had submitted an earlier letter. He stated that with regard to the intersection at Fairway Drive and Lundblade Drive, the proposed development will increase the average daily traffic approximately 25% and that it will have an adverse affect on the narrow entrance to Lundbar Hills. He stated that the site distance caused by the vertical curve alignment at that point has a tremendous accident potential. He stated that the developer bears the responsibility of paying for the mitigation measures of laying back the cut back at the northeast quadrant to approximately 2:1 slope, clearing the vegetation away and keeping it cleared, painting for "no parking" along Lundblade Drive for the first 300 feet to Boyle Drive, and to consider a flashing amber light at the crown of the vertical curve to the north of the intersection. He stated that these improvements could be done by the developer, and submitted that he believes that now is the time to provide for this and demand this of the developer. He stated that he is not opposed to the development and that he believes Lundbar Hills is a wonderful development.

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Public Hearing (continued)

Trey Scott, Lundbar Hills, stated that he estimates that there are approximately 160 homes, and calculates that there could be 360 cars going through the one intersection. He stated that he is glad there is a focus on emergency access in the event the road gets shut down, which would put a lot of people in potentially life-threatening situations. He stated that in fifteen years they haven't had any compromising situations except for special events like Halloween, and that he is glad that people are looking at a way to create additional access to that zone. He stated that if 56 homes are added, it might add 30% or more traffic going in and out of one road. He stated that the reference to a "road to nowhere that could be a potential pressure release in the event of an emergency" is not really a safety net. He stated that this is an area that he and his wife, family, and friends regularly visit to enjoy virgin old-growth redwoods and Doug firs. He stated that he understands that there is a conciliatory move to suggest two trees per each new house, but that there will be a lot more than two trees per lot removed or clear-cut. He stated that there will be a radical difference in the quality of the environment as a result of this development, and stated that he would like to see some attention given to that issue as well.

Jim McCauley, Lundbar Hills, stated that he has lived in Lundbar Hills since 1967 and is in his 40th year as a resident there. He stated that he has had a couple of close calls driving down that hill, and has been hit once. He stated that a survey crew went through who said they were going through to Ridgewood, which really bothered him. He stated that the number of times he would drive to Ridgewood from his house would be very minimal. He stated that it would change the area dramatically to have a road going through and having cars coming through. He stated that it is a family place with kids and bicycles. He stated that Mr. Barnum has done a nice job developing it, and that he has no problem with what Mr. Barnum is doing, but that he does have a problem in the event that the road goes all the way through.

Michelle McKeegan, Keep Eureka Beautiful President, stated that five years ago the City Council adopted a resolution unanimously declaring their vision of Eureka as a city of tree-lined streets, and that she would like to remind them of the advantages of that. She stated that street trees slow traffic, clean air and water, and increase property values. She stated that there is a sizable number of board feet of timber that is going to be removed from this area, and that other cities would require remediation of setting aside an equally large area somewhere else. She stated that they are not suggesting that, but that they are suggesting that two trees is a minimal amount in respect to what's being removed. She stated that they would like to see street trees as a requirement for the applicant, not just in the new part of the development, but to add to the old parts as well. She stated that would be consistent with the resolution.

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Public Hearing (continued)

Rob Baker, Lundbar Hills, stated that he frequents those woods with his children and that he has concerns about a road going through to Walnut. He stated that he also has concerns about the park that is set aside. He stated it is just a mowed field that is a hazard because it isn't turf that you can run on, and that there is no playground equipment. He stated that he has concerns about traffic, as he is on those streets every day with his children and their bikes, and that he also has concern about added traffic on Fairway. He stated that there was a wreck near the creek again Saturday night, and that there will be more potential for accidents. He stated that he also is concerned about the encroachment of development from the Walnut side toward Lundbar Hills.

Patrick O'Neal, Lundbar Hills, stated that his concern is about the roadway, that it is still unclear whether it is going to be an emergency access or a public roadway. He stated that he worked hard to buy a home in Lundbar Hills because there is only one way in and one way out, and that the crime is low for that reason. He stated that this is one of the few residential neighborhoods where kids are on their bikes out in the roadway, having a good time. He stated that if this becomes a public thoroughfare connecting to the new Forster-Gill subdivision, it will have impacts. He stated that going out onto Walnut will be a backtrack for people, and that he was concerned with regard to the road being opened up and becoming a thoroughfare to get into central Eureka. He stated that it will increase traffic load, make people late for work, increase traffic accidents in Lundbar Hills area, and that parents will not want their children out in such a heavy traffic area. He stated that once a thoroughfare is created with two ways out, the crime rate is more likely to go up. He stated that he saved to live in that area because of what it represents for families, and that if the road does open up, it will change the dynamics so much that he would most likely sell and move elsewhere.

John Koopmans, Lundbar Hills, stated that he has lived there for approximately 24 years, and has seen major changes during that time. He stated that he has been fortunate that the traffic is not heavy on Boyle Drive, but that he has seen Lundblade get busier and busier. He stated that he appreciates the stop signs that were put in to slow traffic somewhat. He stated that there is a problem with the entry from Lundblade to Fairway, to the right, that the shrubbery is in the way, and that you can't see if you're making a left turn. He stated that he hasn't been in a wreck, but has had people nearly hit him, dart behind him in his lane. He stated that he has an objection to the added amount of traffic, and that his biggest objection is that there will eventually be a road punched through to Cutten. He stated that someone coming from Fortuna to Cutten, would go through Lundbar Hills if they could. He stated that his main concern is the added traffic, and the through traffic. He stated that the nice thing is that there is one way in one way out, and that it deters a lot of crime in that area. He stated that it is a nice area for Halloween, and that the volunteers who placed cones in the past really helped.

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Public Hearing (continued)

Richard Smith, representing Dunn-Robinson-Forster-Gill, stated that he would like to address the new material that has been added concerning the sidewalk and the gate. He stated that there are at least three reasons why it is not a good idea. He stated that the first reason is that this property joins and abuts a public street, and that access cannot be blocked where it joins a public street. He stated that his clients' property has an easement of record over this same property that predates this road becoming a public road. He stated that if a property is taken for a public purpose or if access is blocked, it must be paid for. He stated that he is really surprised that this is not discussed in the report as it is critically important, and that on two occasions he sent copies of the deeds to staff. He stated that the third thing is that in going over the findings 1 & 2, he doesn't have a clue as to what the factual basis is for adding those conditions. He stated that he hasn't heard anything in the record that justifies that and that it is inappropriate. He stated that as a result, he thinks it is in the city's best interest not to take this right for public use and to leave the easement alone.

Bill Barnum, Ridgewood, representing the applicant, stated that the suggestion of adding the condition regarding trees was formulated in discussion with staff and in a meeting with Councilmembers Kerrigan and Glass. Mr. Barnum stated in regard to the easement issue raised by Mr. Smith, that in 1929, Excelsior Investment Company reserved an easement 40 feet wide for its timber lands to the south of the property that is now being developed. He stated that when an easement is reserved without any location, it's called a "floating easement", and that a hundred years of case law has said that if you have a floating easement and later on make use of it, the first location on the ground is the location which you'll be using in the future. Mr. Barnum stated that the applicants believe that the general approach that they are following for Lundblade Drive to its terminus is along an approximately 12 to 18 foot-wide roadway that has been used for the hauling of timber and forest products off of that Excelsior Investment property to the south over the past 78 years. He stated that what Mr. Smith is suggesting is that since they have a 40-foot easement, that their use of it can't be blocked. Mr. Barnum stated that nobody is blocking their use of it. He stated that although an easement might be 40 feet wide, if only a 12 to 14 or 16 foot, single lane is used for 78 years, you can't come in and impose a 40-foot wide paved road over the burdened property. He stated that the Council represents the City of Eureka and its citizens, and that there is an orderly process by which public streets become developed and expanded in their scope. He stated that process is through the Subdivision Map Act as is being done here tonight. He stated that Barnum and Lundblade submits a tentative map, reviews it with all the public agencies, participates in public hearings, Planning Commission hearings, and a hearing like this if it's called for. He stated that the public process produces a public street, as in this case, where they're proposing to build the city a street 62 feet wide with sidewalks (continues next page).

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Public Hearing (continued)

Bill Barnum (continued): Mr. Barnum stated that what is being said with the amended staff report is that the applicants are not going to take that all the way to the property line and gift that to the neighboring property. He stated that nobody is or has ever blocked the successors of Excelsior Investment Company since 1929 from access to the public streets, but that the character of that use will be consistent with what it has been for 78 years – a single lane. He stated that if they want to come in later and propose 130 home-sites on a 40-acre parcel, they will have to file a tentative map, go through the CEQA process, and the Council will adjudicate for the benefit of the citizens what is a reasonable juncture to be engineered and developed there at their expense. He stated that what the staff has proposed preserves the City Council's rights to protect the public's interest. He stated that there should never be an automatic approval in the process of a subdivision map. He stated that nothing about this proposal for this unit of Lundbar Hills blocks, nor has any prior proposal ever stopped the successors of Excelsior Investment from enjoying their easement rights to get out to Fairway Drive, and that this won't either.

Sid Anderson, Lundbar Hills, stated that what really concerns him is the Dunn-Robinson tract and also the new one down on Ridgeway and bringing all that traffic through Lundbar Hills. He stated that right now there is a narrow, winding road up into the subdivision. He stated that it is slick tonight, and lots of leaves on it, so if you drive too fast, you're going to slide and slip and go onto the side. He stated that the Barnums have replaced their fence numerous times down at the bottom of Fairway Drive, and that it is out again now. He stated that the traffic patterns are wrong, and that Mr. Marshall is right, that they need that cut back if there will be more traffic with 54 more homes. He stated that he is not against the subdivision that the Barnums are putting in, but that the traffic issues need to be addressed. He stated that if a hundred more homes are brought in on the Dunn-Robinson tract, the traffic will triple, and still more with Cutten coming through. He stated that if that happens, Lundblade will become like "H" and "I" Streets, and that is not in the best interests of the citizens of Eureka that are living in Lundbar Hills.

The public hearing was closed at 7:28 p.m.

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A motion was made by Councilmember JONES, seconded by Councilmember ENDERT, to adopt the revised findings of fact in Exhibit "A", endorse the action of the Planning Commission to conditionally approve the Lundbar Hills Southwood Subdivision Unit 6 subject to the conditions of approval listed in Exhibit "B", and strike number 29 from the list of conditions. Upon clarification by the City Attorney, Councilmember JONES included an amendment to revise the language in the conditions of approval, item 2, to read: "In order to protect the adjacent owner's property to the south from trespassers, if desired by the owners of the adjacent property, APN 301-031-004, the applicant shall construct a gate across the driveway and behind the sidewalk described in condition 1 above."

The motion as amended was adopted by the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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IN WITNESS WHEREOF, I have hereunto set my hand and
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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Community Development Director

Agenda Item 1

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Public hearing - Eureka Municipal Code clean-up amendments.

ACTION:

Senior Planner Sidnie Olson provided a report. The public hearing was opened at 7:54 p.m. No individuals expressed an interest in addressing the Council regarding this matter. The public hearing was closed at 7:54 p.m.

Council took action to introduce, waive reading, and read by title only, Bill No. 772-C.S., an "*An Ordinance of the City Council of the City of Eureka Amending Eureka Municipal Code Title 15, Chapter 154: Subdivision Regulations, Chapter 155: Zoning Regulations and Chapter 156: Coastal Zoning Regulations*"

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember LEONARD, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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CITY CLERK

Originating Dept. Community Development Director

Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Judy Billingsley, Executive Director-Humboldt Taxpayers' League, spoke regarding the League board's request for a public hearing to be held regarding Redevelopment Advisory Board consideration of the Schneider and Dunaway proposals for the Waterfront Drive property west of the Wharfinger building.

Kaye Strickland, Eureka, spoke regarding the need for a public hearing regarding the two projects. She also spoke regarding Closed Session Item D with regard to property located on the water-side of Waterfront Drive adjacent to Marina Way, and the need to recognize it as prime industrial property for job creation.

Howard Rien, Eureka, a Director-Humboldt Taxpayers' League, spoke regarding the HTL Board's request to hold public discussions regarding the Schneider and Dunaway proposals. He also spoke regarding concerns relating to the use of redevelopment agency funds, and requested full public disclosure.

Tina Christensen, Highway 36, spoke regarding the request for proposals on the city-owned coastal development industrial parcel adjacent to the Schneider Dock Industrial Park. She requested the Council to overturn the Redevelopment Advisory Board's decision to not accept Mr. Schneider's proposal, and to accept Mr. Schneider's proposal, and give consideration to both.

Julie Salminen, Eureka, spoke regarding consideration of the Taxpayer's League request.

Council requested an item be agendaized to hold a public discussion regarding the Council's decision with regard to the requests for proposals for the coastal dependent industrial property.

Agenda Item 3

MINUTE ORDER, FEBRUARY 20, 2007

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STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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CITY CLERK

Originating Dept.

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of February 6, 2007 as submitted.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Clerk

Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Claims for damages of Gowan, Paul (07-002, 07-003, 07-008, 07-009, 07-010).

ACTION:

Council rejected the claims of Gowan, Paul (07-002, 07-003, 07-008, 07-009, 07-010).

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Attorney

Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Eureka High Safe and Sober, Class of 2007.

ACTION:

Council took action to waive Adorni Facility Fees to allow for Eureka High's Safe and Sober Graduation Celebration on June 15, 2007.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 6

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Purchase Police Service K9.

ACTION:

Council took action to approve request to spend SLES Grant funds to purchase a replacement Police Service K9.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Interim Chief of Police

Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Accept Bid No. 2006-25, City Hall Boiler Replacement & HVAC Project.

ACTION:

Council took action to accept Bid No. 2006-25 City Hall Boiler Replacement and HVAC Project, and authorize the filing of a Notice of Completion in the Office of the Humboldt County Recorder.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Assistant City Manager-Operations

Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Street Overlay 2006, Bid No. 2006-12

ACTION:

Council took action to accept this project and authorize the filing of a 'Notice of Completion' at the Office of the County Recorder.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Golf Course Lift Station Modification Project.

ACTION:

Council took action to declare Mercer-Fraser Co. the low bidder on the Golf Course Lift Station Modification Project, award Bid No. 2007-08 to Mercer-Fraser Co. for the amount of \$87,900.00, and approve \$105,000 for construction, which includes a contingency of approximately 20%.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 10

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Reservoir Maintenance and Security Project Phase 1 – Valve
Replacement Bid No. 2007-17.

ACTION:

Council took action to declare Mercer-Fraser Co. the low bidder on the Reservoir Maintenance and Security Project Phase 1 - Valve Replacement, award Bid No. 2007-17 to Mercer-Fraser Co. for the amount of \$ 149,200.00, and approve \$172,000.00 for construction, which includes a contingency of approximately 15%.

Adopted on motion by Councilmember KERRIGAN, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 11

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Amendment to ordinance titled "Unsafe Structures; Abatement of Nuisances".

ACTION:

Assistant City Manager-Operations provided a report. No individuals expressed an interest in addressing the council regarding this subject matter.

Council took action to introduce, waive reading, and read by title only, Bill No. 771-C.S., an ordinance amending Title XV, Chapter 150, Building Regulations, Amending Sections 150.142, 150.148, 150.152, 150.153, 150.161, 150.162, 150.166 and deleting Section 150.160 pertaining to "Unsafe Structures; Abatement of Nuisances".

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Presentation of Final Report on "*Standards of Response Coverage Study*"
for Eureka Fire Department.

ACTION:

Fire Chief Eric Smith and Citygate Associates' Principal Stewart Gary provided a report. The following individual addressed the council regarding this subject matter:
Richard Tollison, Eureka

Council took action to receive final report and a presentation from Citygate Associates, LLC on the recently completed Standards of Response Coverage Study for the Eureka Fire Department as authorized by Council in June 2006, and directed staff to return the Study to Council for adoption together with staff recommendations on first actions which can be undertaken by the City and the Fire Department to implement the recommendations of the Standards of Response Coverage Study.

Adopted on motion by Councilmember JONES, seconded by Councilmember ENDERT, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Fire Chief

Agenda Item 13

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: "C" Street Market Square Development Project – H.H. Buhne Warehouse.

ACTION:

City Engineer Brent Siemer provided a project status report from the staff on the disposition of the H.H. Buhne Warehouse. The following individuals addressed the council regarding this subject matter:

Kaye Strickland, Eureka

Council took action to receive the project status report from staff on the disposition of the H.H. Buhne Warehouse, receive public comment, and direct staff to investigate options for removal or relocation of the H.H. Buhne Warehouse from its existing location and return with a report on these options so that Council may provide further direction.

Adopted on motion by Councilmember JONES, seconded by Councilmember KERRIGAN, and the following vote:

AYES: ENDERT, LEONARD, KERRIGAN, JONES
NOES: GLASS
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer

Agenda Item 14

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Mayor's appointments to the Parking District Number One Task Force.

ACTION:

City Engineer Brent Siemer provided a report. No individuals expressed an interest in addressing the council regarding this subject matter.

At 10:02 p.m., on motion by Councilmember GLASS, seconded by Councilmember JONES, the council unanimously took action to extend the meeting.

Council took action to approve the Mayor's appointments to the Parking District Number One Task Force:

- a. Property owner within the parking district: Catherine Dunaway
- b. Property owner north of the parking district: Greg Pierson
- c. Property owner west of the parking district: Kelly Martin

Adopted on motion by Councilmember LEONARD, seconded by Councilmember KERRIGAN, and the following vote:

AYES: GLASS, ENDERT, LEONARD, KERRIGAN, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Mayor

Agenda Item 15

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- California Cities, Counties, and Schools Partnership Program award received for the multiple assistance center (MAC) for creativity and leadership demonstrated in choosing to collaborate with other jurisdictions in addressing community issues.
- The Mills Act program has received its first application.
- Councilmember Leonard, Mayor Bass, and staff members Knight and Tyson to go to Washington DC, to meet with representatives regarding construction funding for the Martin Slough project.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 20, 2007.

SUBJECT: Adjournment

ACTION:

On motion by Councilmember JONES, seconded by Councilmember ENDERT, and without objection, the meeting was adjourned at 10:10 p.m.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the seal of the City of Eureka on February 21, 2007.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK